

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 81701 of 2019**

Arising Out of PS. Case No.-31 Year-2019 Thana- KHIRI MORE District- Patna

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1. Gani Kumar @ Rajnish Son of Rajendra Singh Aged about 20 years Male
 2. Ramakant Kumar Son of Late Arjun Singh, Aged about 34 years Male
Both Resident of Village - Shankarpur, P.S.- Kinjar, District - Arwal
- Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Adv.
For the Opposite Party/s : Mr. Md. Matloob Rab, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2. 11-12-2019 Heard learned counsel for the parties.

Two petitioners seek bail in Khirimore P.S. Case No. 31 of 2019 registered for the offence under Sections 147, 148, 149, 341, 323, 325, 307, 504, 302, 120(B) of the I.P.C.

In the F.I.R., it is alleged that the informant with his brother were going for purchasing some articles, in the meantime, about 20 persons (10 known and 10 unknown to informant), who were in drunken stage, surrounded and attacked them by using *Katta-Pistol* and iron rod, as a result of which, informant received some injury, but his brother was injured badly and during course of treatment, he succumbed to his injuries.

It is submitted on behalf of petitioners that petitioner no. 2 (Ramakant Kumar) is not named in the F.I.R. and so far as petitioner no. 1 (Gani Kumar) is concerned, there is no specific



allegation against him. It is further submitted that petitioners have falsely been implicated in this case, due to previous enmity. It is also submitted that deceased died due to over-drinking and met with road accident. Petitioners have got no criminal antecedent and they are in custody since 17-07-2019. In this case, chargesheet has also been submitted and as such, there is no chance of tampering with the evidence.

Considering the aforesaid facts and circumstances, let the above named petitioners be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Manish Kumar, Judicial Magistrate, Danapur in connection with Khirimore P.S. Case No. 31 of 2019 on the following conditions:

(1) Petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail-bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J.)

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